

*Colyear (The Hon W)*

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4*

C O P Y

OF THE

PROCEEDINGS

OF A

GENERAL COURT MARTIAL

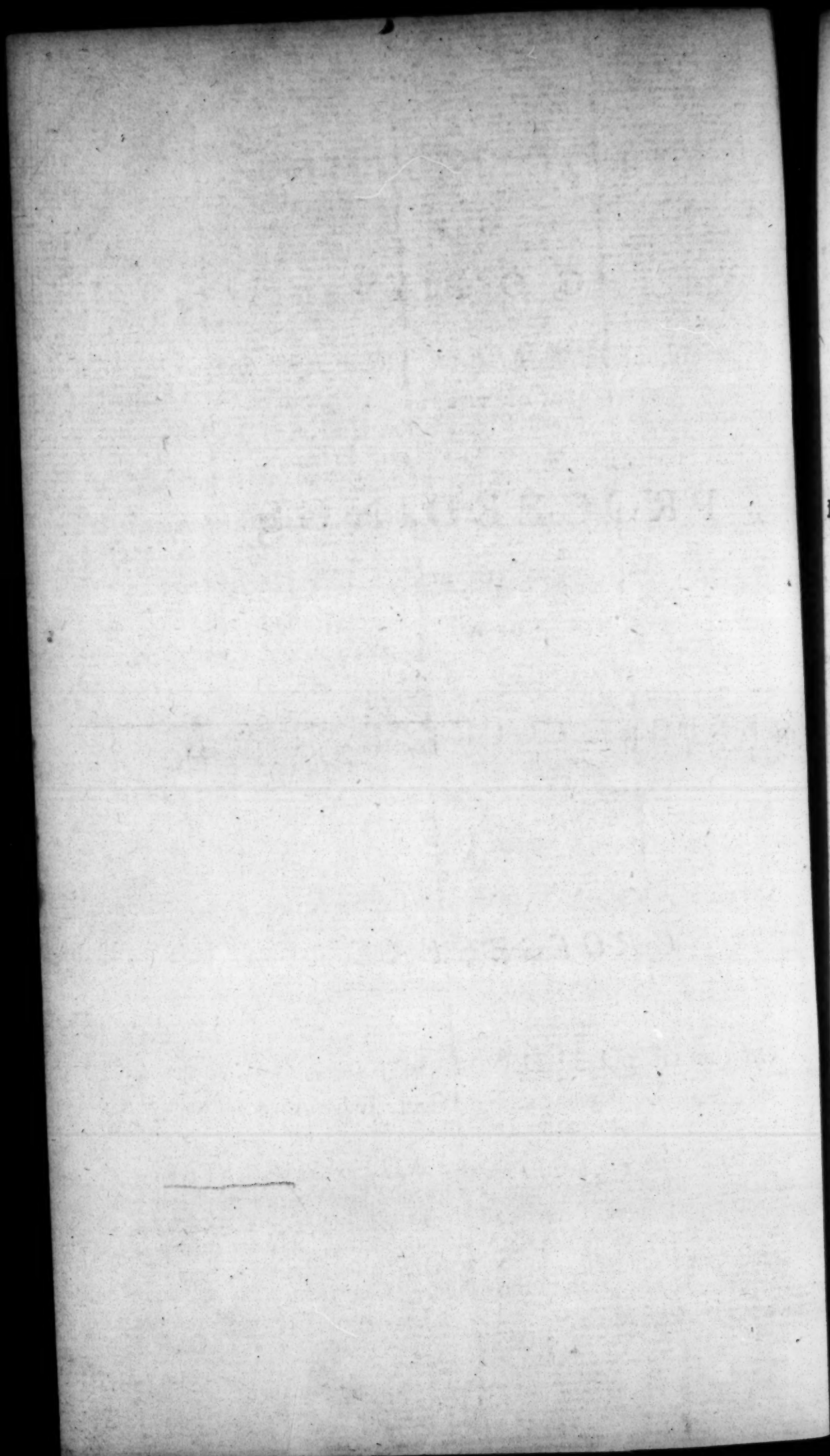
HELD AT

GROESBEEKE,

*on W. Colyear*

On the 1st and 2d Days of OCTOBER, 1794:

*3*



# PROCEEDINGS

518. e. 23

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OF A

## GENERAL COURT MARTIAL,

Held at GROESBEEKE, October 1, 1794,

By Order of His Royal Highness the DUKE of YORK,  
COMMANDER IN CHIEF, &c. &c. &c.

MAJOR-GENERAL SIR ROBERT LAURIE, BART. *President.*

### MEMBERS.

#### *Colonels.*

DRUMMOND, 1st Guards.  
H. R. H. Prince WILLIAM.

#### *Lieutenant Colonels.*

BARNET, 3d Guards.  
FITZROY, Coldstream.

#### *Majors.*

Sir Thomas CHAPMAN.  
PRINCE, 1st Dragoon Guards.

#### *Captains.*

JOHNSTONE, 44th.  
PIGGOT, 3d Guards.  
STANHOPE, 1st Guards.  
FINCH, Coldstream.  
THORNTON, 1st Guards.  
CERJAT, 6th Dragoons.  
MONRO, 42d.

MAJOR WYNYARD, DEPUTY JUDGE ADVOCATE.

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### CHARGE.

THE President, Members, and Deputy Judge Advocate being duly sworn, proceeded to the Trial of

The HONOURABLE LIEUTENANT WILLIAM COLYEAR, of the 1st (or King's) Regiment of Dragoon Guards, put in arrest by Lieutenant-Colonel Perryn, of the 12th Infantry, and tried by order of his Royal Highness the Commander in Chief, for misbehaviour before the enemy, on the 15th of September, 1794.

The Charge being read to the prisoner, Lieutenant Colyear, he pleaded, Not Guilty.

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PRO-



## PROSECUTION.

## EVIDENCE.

CAPTAIN ROBERTON, of the Royal Artillery, being duly sworn, informs the Court, that, on the 15th September, one of the guns attached to the 12th regiment was taken by the enemy, near St. Michael Giskel; shortly after it was taken he applied to Colonel Perryn for permission to try to retake it; he asked him in what manner he (the evidence) meant to make the attempt; he told him, he understood there was an officer and 30 dragoons attached to the regiment, and that with them perhaps he might be successful; he gave his consent to the evidence taking the party, and went to the officer, and told him the orders he had received from Lieutenant-Colonel Perryn, begging he would order his men to draw their swords, and follow him; he did so, and the 12th regiment opened to the right and left, and allowed the cavalry to pass. After having advanced a little distance, he (the evidence) perceived some of the enemy's hussars in the road, he turned round to the men of the party, and said, "There they are, they are but few, and the devil's in it, if we cannot thrash them;" and immediately set off upon a gallop towards them, the officer and the dragoons following him. They advanced upon a gallop about 50 or 60 yards, when somebody behind him called out, "By God, there are too many of them;" when the party turned round, and rode off; finding himself left with the Adjutant of the 12th regiment, who had joined the party in advancing, he soon found it requisite to return also. He overtook the cavalry and said, if they were determined to retire they had better walk, as their galloping might give such spirits to the enemy that might be fatal to the regiment; that what he said had no effect, and, except four, he never saw any of the party after.

*Question by Court.* Was the officer who commanded the party one of the four men you saw after they retired?

*Answer.* No.

*Q.* After the party of dragoons retired, had you any conversation with the officer who commanded them?

*A.* No.

*Q. by Court.* Is the officer (Lieutenant Colyear) now before the Court, the officer who commanded that party?

*A.* To the best of his recollection he is the same officer who commanded the party that day. He never saw him before that day, or since, that he remembers.

*Q.* Was Lieutenant Colyear in the rear of his party when they retired?

*A.* Yes; he was.

*Q.* Was the officer in front of his party when they advanced?

*A.* Yes; he was.

*Q.* Had



Q. Had you any other conversation with the officer of the cavalry previous to their advancing, except conveying Lieutenant-Colonel Perryn's orders?

A. None that he remembers.

Q. Did you see or hear the officer make any exertions to rally his party in retiring?

A. No.

Q. Could he have made any attempt to rally his party without your seeing him?

A. He thinks not, before they had passed the 12th regiment.

Q. Were the whole of the thirty men which composed the party, with Lieutenant Colyear at the time he went with you towards the enemy?

A. He cannot tell.

Q. by Prisoner. What was my situation at the time you requested me to make the charge?

A. When he delivered him Lieutenant-Colonel Perryn's orders he was in the rear of the 12th regiment.

Q. by Prisoner. Of what number of men do you suppose the detachment with me at that time consisted?

A. He cannot positively say, but he supposed the whole party.

Q. Had you yourself reconnoitered the strength and position of the enemy before you desired me to advance?

A. By no means.

Q. Were there any bye-roads, lanes, or woods near the road in which your gun was taken?

A. Yes.

Q. Do you recollect seeing any enemy, whether cavalry or infantry, in those lanes or woods?

A. When the gun was taken, he saw seven or eight of the enemy's cavalry coming in the rear of the gun, and a few upon the right.

Q. What might have been the number of the enemy who took your gun?

A. Those that charged in the rear consisted of seven or eight dragoons, but the number upon the right he cannot speak to.

Q. When your gun was taken, how far might you have been from the 12th regiment?

A. He cannot exactly tell the distance, for the 12th regiment was not in sight.

Q. by Prisoner. What interval of time do you suppose elapsed from the taking of your gun, to my receiving Lieutenant-Colonel Perryn's order to advance?

A. It might be an hour, but he cannot speak positively.

Q. Had this small party of the enemy which you saw in front, the gun with them, which was taken from you?

A. He did not see any gun with the party.

Q. Do you conceive it possible for your gun to be retaken after that period had elapsed?

A. He conceives that impossible to ascertain.

Q. With what idea did you advance with the cavalry to take a gun you neither saw, or could hope to see again, after its being taken by the enemy for so long a time?

A. He advanced with the cavalry in hope of retaking the gun, from a supposition the gun might be still behind the party of the enemy, although he did not see it.

Q. You say you desired my party to retreat slowly?

A. Yes.

Q. To whom did you address yourself at the time you made the request?

A. To the party in general.

Q. Were you in the rear or front of the party, at the time you desired them to go slow in their retreat?

A. A little in the rear, rather on the flank.

Q. Could the men who were in the front of the party, as they retreated, have heard this request?

A. He cannot say.

Q. by Prisoner. To what do you attribute the inattention of the men to this request?

A. Perhaps they might not have heard him, though he spoke very loud.

Q. Did the men, at the period of their retreat, appear at all confused, or irregular?

A. No; he does not recollect they did.

Q. Did you hear me give any order to the party to retreat, at, or after, the time the men exclaimed, "They are too many for us," and turn about?

A. No.

Q. Was it the fault of the officer commanding the party, that the men turned about?

A. He should suppose not.

Q. Did the party retreat through the infantry in a walk, trot, or gallop?

A. To the best of his recollection they passed through the infantry very quick.

## EVIDENCE.

LIEUTENANT and ADJUTANT MOORE being duly sworn, informs the Court, that Lieutenant Colyear was attached to the 12th regiment, with thirty dragoons, on the 15th September. On the retreat of the regiment from Michael Giskel, the regiment formed upon a cross road, and the dragoons in the rear. The regiment fired two or three rounds upon the enemy, who retreated; after the firing ceased, Captain Robertson requested Lieutenant Colyear, with his dragoons, to go with him, and charge the enemy's parties, the regiment opened in the centre, and the dragoons marched through, and then charged in a very high-spirited manner, for about fifty or sixty yards; that, after the cavalry had passed the cross



cross roads, he (the evidence) followed them, and just as he had got up to their rear, some one in the ranks said, "They are too many for us, they are coming out by squadrons;" upon which they wheeled suddenly, and he went with them in the wheel, upon which the party galloped off. That Captain Robertson, who was in the rear, said, "Dragoons, do not gallop in, you cannot conceive the hurt you may do; besides, you will make the enemy suppose you are afraid of them." The party then passed through the same interval, in the centre of the regiment, which had been made to enable them to advance, and the regiment again began firing.

Q. by Court. Did you hear Lieutenant Colyear give his party any order to retreat?

A. No, not any.

Q. Did he advance in front of his party?

A. Yes.

Q. Did he (Lieutenant Colyear) endeavour to rally his party while they were galloping towards the 12th regiment?

A. He cannot say; as he was himself in the rear.

Q. Was Lieutenant Colyear in the rear of his party?

A. Yes.

Q. by Court. Did you see the enemy at the time Lieutenant Colyear charged?

A. No.

Q. Did you see the enemy when you came up to the party?

A. No; the party wheeled round just as he came up, and he wheeled with them.

Q. Do you know how long Captain Robertson's gun had been taken when the cavalry charged?

A. About half an hour.

Q. Did the cavalry retreat through your regiment upon a gallop or a walk?

A. Upon a gallop.

Q. Did this happen in an open or inclosed road?

A. An inclosed road.

Q. Do you not imagine that if there had been an enemy near the cavalry you must have seen them?

A. Being very near sighted, and in the rear of the party, he cannot say.

Q. by Prisoner. Where were you when my party advanced to the charge, and of what number of men do you suppose it to have consisted?

A. On the right of the front of the centre right company; and he thinks the party consisted of about sixteen or twenty dragoons.

Q. by Prisoner. Do you know if any of my party were detached as patrols, videts, &c.?

A. There were two patrols sent out, but whether they had returned he does not know.

Q. by



**Q. by Prisoner.** Being in front of my party when advancing, do you think it was in my power to prevent the men in the rear from turning about?

**A.** No: he does not think it was.

**PROSECUTION CLOSED.**

**At two o'clock the Court adjourned till eleven to-morrow.**

October 2d.

THE Court met, pursuant to adjournment, and proceeded to business.

## DEFENCE.

Mr. President, and Gentlemen of the Court,

I now stand before you to answer the heaviest, and most humiliating charges, which notice\* or detraction can exhibit against the honour and reputation of a soldier, or a man; viz. Cowardice and Misbehaviour before the Enemy, for such are the precise words of a letter, written with every appearance of official accuracy, which I received from the Adjutant General on the 18th September, informing me, that for the above-mentioned charges, preferred against me by Lieutenant-Colonel Perryn, I was in arrest by order of his Royal Highness the Commander in Chief. How far I am guilty of the above charges, your judgements will be able to determine, when you have weighed the evidence which I intend to lay before you, in opposition to that which has been produced against me; and whatever may be the result of this comparison, I shall, with every possible satisfaction and deference, submit to it; convinced that the honour and reputation of a soldier can never be more secure, than when referred to the decisions of those so justly anxious for the credit and glory of the profession they belong to. I most sincerely acquit my prosecutor of every idea of personal enmity, as a sentiment impossible for one gentleman to entertain against another, who, I believe, he never saw, before he had the misfortune of being under his command. I can make every allowance for the mortification which he must naturally feel for the necessity of a precipitate, and possibly not very regular, retreat; and I am persuaded his candour will allow, that through the whole operation of that unfortunate day, I frequently applied to him for instructions, without being honoured with any positive or particular directions. That he should not have had the trouble of applying for this Court Martial, my letter to the Adjutant General of the 18th September, (and which I desire, for his satisfaction, as well as for the information of the Court, may be publicly read to it) will, I trust, convince him; had I entertained the least shadow of a reason to suppose my conduct could have become the subject of public investigation, or have given room for the indulgence of private malice and insinuation. That he had time to anticipate my wishes, was only owing to my ignorance of my situation, and that consciousness which now affords me every satisfaction of having discharged my duty to the best of my judgement and ability.

\* So in the original.

Before I call upon any evidence in refutation of the heavy charges produced, but, I trust, not proved against me, I shall beg leave, Gentlemen, to trespass a few moments upon your time, in making a few observations, possibly not irrelevant to the subject of your present investigation. In the first place, Gentlemen, I beg leave to observe, that my prosecutor Lieutenant-Colonel Perryn having retreated with the regiment under his command, could not possibly from his own knowledge, know either the numbers or situation of the enemy I was called upon to attack; and I trust your candour will do me the justice to suppose, that I mean no malicious insinuations, or illiberal recrimination, when I suggest the absurdity of so very small a detachment, as that which I had then the honour to command, opposing those numbers which had obliged a strong and gallant regiment so precipitately to retire, as not to have even the usual pickets for the support of the guns attached to it. That this retreat was not conducted in the most masterly, or military manner, the late trials which have unfortunately been the result of it, can leave the world no room to doubt, and have rendered all farther explanation upon this subject useless.

The first evidence produced against me, was Captain Robertson, of the Royal artillery; this officer, to whom many allowances should be made for that concern which he must naturally have suffered for the loss of the gun under his command, has informed the Court, that after an hour's prudent consideration, during which time his unfortunate gun was in possession of the enemy, and most probably carried off by them to a distance, which must have rendered all attempts to re-take it as ridiculous as impracticable, he gallantly applied to my prosecutor Lieutenant-Colonel Perryn, for leave to advance with the dragoons under my command, (somewhat less than 20 in number) to re-take it. This evidence has likewise acknowledged to the Court, that when his gun was taken from him by the enemy, he was attacked by them on his flanks and rear, and that he was obliged himself to run away, without being able to ascertain exactly either the numbers of the enemy, by which he was attacked, or the numbers which might be concealed (and which were afterwards seen) in the different roads which lead to, and in the fields contiguous to the road in which his gun was taken. This evidence has also farther informed the Court, that when he applied to me to advance with the cavalry, I did so immediately, without asking whether he had any orders from Lieutenant-Colonel Perryn to justify my doing so; that I was at the head of the cavalry while it continued to advance; that I gave no orders for it to retreat; and that when it did retreat, I only followed it. The third and last evidence produced against me, was Lieutenant and Adjutant Moore of the 12th regiment of infantry: this Officer has deposed that he saw me advance with the cavalry in a spirited manner; that he followed the cavalry at some distance, and that when the cavalry wheeled about, his horse did so too, and carried him back to his regiment; that he never saw the enemy in the front, being all the time about thirty yards in the rear of the cavalry; and that he did

not



not see any on the sides of the road, as he labours under the misfortune of being very near-sighted. He has farther informed the Court, that I advanced at the head of the cavalry, and that I retreated in the rear of it.

## LETTER.

(COPY.)

*Camp near Grave,  
18th Sept. 1794.*

“ SIR,

“ Having just heard that my conduct on the morning of the 15th instant, when I was sent with a detachment of the King's dragoon guards, under the command of Lieutenant-Colonel Perryn, has been represented to his Royal Highness the Commander in Chief as having acted in a manner equally injurious to my own honour, as well as to that of the regiment I belong to, I most earnestly request that you, Sir, will be so good as to apply for me to his Royal Highness, that I may have a Court Martial granted me, before which, I am confident that I shall be able to justify both my own honour, and that of the regiment, a detachment of which was at that time under my command.

I have the honour to be,

SIR,

Your most obedient, and

very humble servant,”

Colonel CRAIG, Adjutant General, being called upon, and duly sworn, informs the Court, That before the order went to put Lieutenant Colyear in arrest, he received a letter from that Officer, and to the best of his belief, the copy produced before the Court is word for word with the one he read, which, in the hurry of business, has been mislaid.

The Prisoner Lieutenant COLYEAR having called upon Lieutenant-Colonel PERRYIN, who was duly sworn.

*Question by Prisoner.* Do you know what number of men composed the detachment of cavalry under my command, 15th September?

*A.* He was informed by Lieutenant-General Abercrombie, that he was to have an Officer and thirty dragoons attached to his command.

*Q. by Prisoner.* Were not several men detached by your order from this party, as patrols, videts, &c.?

*A.* He had ordered patrols to be sent out, but whether there were any out at the time the cavalry charged, he does not know.

*Q.* Was

Q. Was it not by your order that a serjeant and ten men were sent on a patrol to the left of the village of St. Michael Giskel?

A. There was a patrol sent out by his order, and he supposed it consisted of a serjeant and ten men.

Q. What might have been your situation at the time this patrol came back?

A. When the patrol returned, he does not recollect the situation he was in.

Q. Were the pickets of the 12th regiment ordered to fall back upon the regiment, before or after the serjeant returned with the report which I delivered to you?

A. When he ordered the pickets to fall back upon the regiment, he cannot say positively whether the patrol had returned or not.

Q. Was it not in consequence of the reports you received of the enemy's being in great force, that you ordered the 12th regiment to retreat on the 15th September?

A. Certainly.

Q. by Prisoner. Was it by your order I went forward to charge the enemy?

A. It was with his permission that Captain Robertson applied to Lieutenant Colyear to endeavour to re-take the gun, which Captain Robertson had an idea was practicable.

Q. Had Captain Robertson stated to you the time that his gun had been lost, when he applied to you for my assistance to re-take it?

A. Not that he recollects.

Q. Had you any reason to suppose the enemy less in number, when I was ordered to advance, than when you retreated with the 12th regiment; or had you any report on the subject?

A. From Captain Robertson's statement to him, he supposed it practicable to re-take the gun, otherwise he should not have given his consent to his taking the cavalry; and as to any official report of the enemy's numbers having decreased, he does not recollect receiving any, except Captain Robertson might say, "there are not many of them."

Q. Did you see me, or any of my party, at the time we advanced to the charge?

A. Yes.

Q. Was I in front or rear of my party?

A. In front.

Q. Did you see me, or my party, in the retreat?

A. Yes.

Q. Was I in front or rear of my party?

A. He does not recollect.

Q. by Prisoner. You mention to the Court, that there was some degree of confusion in a part of the 12th regiment; was it previous or subsequent to my advancing with the cavalry detachment under my command?

A. It was previous to the advancing of the cavalry detachment.

Q. by



*Q. by the Court.* After the cavalry retreated, and the 12th regiment fired the two rounds, what number of the enemy appeared to cause their firing?

*A.* He does not know; but the country round him was a good deal inclosed, and therefore could not ascertain their numbers.

*Q.* Did you see Lieutenant Colyear after the cavalry retired through the regiment?

*A.* He does not recollect.

*Q.* Did the cavalry form after they passed your regiment?

*A.* Upon their retreat through the regiment they rode away.

*Q.* From the best information you could collect of the strength of the enemy, do you think it would have been prudent for the detachment of cavalry to have advanced any farther?

*A.* He cannot say.

### WITNESS.

Serjeant JAMES BUCKLOW, of the 1st, or King's regiment of dragoon guards, being called upon by the Prisoner, and duly sworn.

*Q. by Prisoner.* Was you with me when I was ordered to charge the enemy on the 15th September?

*A.* Yes.

*Q.* Do you recollect what number of men went with me to the charge?

*A.* To the best of his recollection there was ten or twelve.

*Q.* Was I in front or rear of my men when advancing?

*A.* In front.

*Q.* As we advanced, did you observe any cross lane or wood near the road in which our charge was to be made?

*A.* He observed a wood upon the right.

*Q.* Did you see any enemy, whether infantry or cavalry, in those woods?

*A.* He saw cavalry, which appeared to him to be in great force in the woods.

*Q.* Did you, when advancing, hear any remark made by some of the men, that the enemy was too much for them?

*A.* Yes.

*Q.* Do you not think, that in consequence of this remark, the men turned about without any order from me?

*A.* Yes.

*Q.* Did you receive any order from me to retreat?

*A.* No.

*Q.* During the retreat, do you know whether I was in front or rear of my men?

*A.* He was not in the front, but he cannot say in what place he was.

*Q.* Did you hear any order given by me to the men, after they had passed the infantry, to halt?

*A.* Yes.

*Q.* Did



Q. Did you not receive an order from me to endeavour to stop the men?

A. Yes.

Q. Were you able to execute this order?

A. He was not.

Q. Was it from confusion, or from the firing of the infantry, that prevented it?

A. He was unable to execute the order, from his saddle turning, which was occasioned by his girth breaking.

Q. Did I not pass you, and ask you why you did not halt the men?

A. Yes, he did.

Q. by Court. How far was you in front of the 12th regiment when the cavalry retreated, after having made the charge?

A. To the best of his recollection and belief, about fifty yards.

Q. Was there any of your party killed or wounded?

A. No.

Q. How far had you rode beyond the 12th regiment towards the rear, when Lieutenant Colyear rode past you, and asked "why you did not halt the men?"

A. To the best of his recollection and belief, it might be forty yards, when Lieutenant Colyear asked the question.

# WITNESS.

JAMES SHARPE, Corporal in the 1st, or King's dragoon guards, being called upon by the Prisoner, and duly sworn.

Q. by Prisoner. Were you with me when I advanced to the charge on the 15th September?

A. Yes.

Q. What number of men was with me at that time?

A. To the best of his recollection about a dozen.

Q. Did you see any enemy in your front, or on your flanks?

A. Yes.

Q. Were they in force?

A. They appeared in great numbers.

Q. Did you receive any order from me to retreat?

A. No.

Q. Did you hear any remark made by the men, that the enemy was too much for them?

A. He heard some of the men say, that they might as well run their heads into the fire, which was said upon seeing the enemy open to right and left to let the party through.

Q. Did you hear me order the men to halt, after we passed through the infantry?

A. Yes.

Q. Did you hear any order given to Serjeant Bucklow by me to do the same thing?

A. Yes.

Q. by

*Q. by Prisoner.* Was it from any confusion, or from the firing of the infantry, that you suppose the men could not be rallied?

*A.* He thinks it was owing to the firing of the infantry that the men were unable to stop their horses.

*Q. by Court.* How far had you rode beyond the 12th regiment towards the rear, when Lieutenant Colyear rode past Serjeant Bucklow, and asked him why he did not halt the men?

*A.* It might be about forty or fifty yards, as near as he can guess.

### WITNESS.

COLONEL VYSE being called upon by Lieutenant Colyear, as Commanding Officer of the King's Dragoon Guards, and who, being duly sworn, informs the Court, that he has known Lieutenant Colyear ever since he has been in the regiment, and has ever esteemed him a man of intrepidity and strict honor; and he should think himself guilty of injustice to his merit, if he did not inform the Court, that it was at Lieutenant Colyear's own most urgent and particular request, to him, that he came out upon service with his regiment, it not being his regular turn of duty to do; he likewise thinks it his duty to inform the Court, that on the 26th of last April, at the affair of Cateau, he, Lieutenant Colyear, twice when separated from his regiment, made his way through a column of French infantry.

### OPINION.

The COURT having maturely considered the evidence on the part of the prosecution, together with what the Prisoner, Lieutenant Colyear, had to offer in his defence, are of opinion, he is NOT GUILTY of the charge exhibited against him, and do therefore HONOURABLY ACQUIT him.

ROBERT LAWRIE,  
Major General and President.

Approved,  
FREDERICK, General,  
Commander in Chief.

A true Copy,  
J. A. OLDHAM,  
25th October, 1794.

Judge Advocate General's Office.

AN  
APOLOGY  
FOR THE  
CONDUCT OF THE GORDONS;

CONTAINING THE WHOLE OF THEIR  
CORRESPONDENCE, CONVERSATION, &c.

WITH

MRS. LEE.

**Entered at Stationer's Hall.**

TO WHICH IS ANNEXED,  
AN ACCOUNT

OF THEIR

EXAMINATION AT BOW STREET

ALL THEIR

TRIAL AT OXFORD.

BY JOHN HAYDON, GORDON, &c.

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PRINTED BY SLATTER AND MUNDAY, OXFORD.

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